

09/471,689
YOR919990507US1

3

REMARKS

The undersigned thanks Examiner Booker for the courteous and very productive telephone interview conducted on May 14, 2003, in which the §112, second paragraph rejection and §101 rejection were discussed.

The Examiner and the undersigned agreed that the above claim amendments would overcome the §112, and §101 rejections. Specifically, the addition of "means-plus-function" language in front of the steps listed in claim 29 would overcome the 112 second paragraph rejection.

Further, in claim 32, defining the steps of "automatically generating a story" as including *"selecting a theme; examining elements of said theme...; and using said theme..."* would render statutory the subject matter of this claim. Thus, the application is believed to be in condition for immediate allowance, and such is respectfully and earnestly solicited.

Entry of this Amendment is believed proper since no new issues are being presented to the Examiner which would require further consideration and/or search. Indeed, the claim amendments above narrow the issues on appeal. Specifically, the claims have been amended to more particularly point out the invention. For the record, the rejections of record from the October 24, 2002, Office Action are discussed below.

Claims 1-32 are all the claims presently pending in the application. Applicant gratefully acknowledges the Examiner's indication that claims 1-28, 30, and 31 are allowed. There are no prior art rejections.

Claim 29 stand rejected on informalities (e.g., 35 U.S.C. §112, second paragraph) and claim 32 stands rejected under 35 U.S.C. §101 on the ground that the invention allegedly disclosed in claim 32 is directed to non-statutory subject matter. Presumably, claims 29 and 32 would be allowed once the above informalities are overcome.

As mentioned above, to speed prosecution, a telephone interview was conducted on May 14, 2003. Claims 29 and 32 have been amended respectively to more particularly point out the invention and to clearly allow one of ordinary skill in the art to know the metes and bounds of the invention, and to clearly define claim 32's statutory subject matter for the Examiner.

09/471,689
YOR919990507US1

4

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment.

It is noted that the claim amendments herein are made only for more particularly pointing out the invention for the Examiner, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability.

It is noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

In view of the foregoing, Applicant submits that claims 1-32, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.


09/471,689
YOR919990507US1

5

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: 5/15/03


Sean M. McGinn, Esq.
Reg. No. 34,386

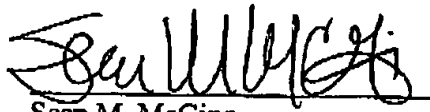
McGinn & Gibb, PLLC
8321 Old Courthouse Rd. Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2121, at (703) 746-7239, on May 15, 2003.

Respectfully Submitted,

Date: 5/15/03


Sean M. McGinn
Reg. No. 34,386

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254

09/471,689
YOR919990507US1

6

VERSION SHOWING MARKINGS MADE

IN THE CLAIMS:

29. (Amended) A system for generating a story, comprising:

means for selecting a theme of said story;

means for examining elements of said theme and instantiating said theme; and

means for using said theme to select and control other aspects of the story generation,

including a plot of said story which employs knowledge-generated characteristics, relationships, and events.

32. (Amended) A computer-implemented, theme-based method of creating a story, comprising:

[selecting a theme]

automatically generating, by a computer, a story based on a theme, wherein said
automatically generating comprises:

selecting a theme of said story;

examining elements of said theme and instantiating said theme; and

using said theme to select and control other aspects of the story generation,

wherein elements of the theme of the story are expounded upon in a simulation engine in
the computer to further generate a plot of the story which employs knowledge-generated
characteristics, relationships, and events.